

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re	§	
	§	
WESTMOUNT GROUP, INC.	§	Case No. 21-30633-HCM-11
	§	
Debtor.	§	

THE DISTRICT COURT
OF EL PASO COUNTY, TEXAS
327TH JUDICIAL DISTRICT COURT

ALBERT FLORES,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 2020DCV2997
	§	
KEYVAN PARSA, and	§	
MONTOYA PARK PLACE, INC.,	§	
	§	
Defendants,	§	
	§	
WESTSTAR TITLE, LLC, LLC,	§	
FIDELITY NATIONAL TITLE	§	
INSURANCE COMPANY, and	§	
	§	
Intervenors/Third Party Plaintiffs,	§	
	§	
KEYVAN PARSA,	§	
MONTOYA PARK PLACE, INC.,	§	
DEBORAH JORDAN, and	§	
ALBERT FLORES,	§	
	§	
Third Party Defendants, and	§	
	§	
WESTMOUNT GROUP, INC.,	§	
	§	
Intervenor-Third Party Defendant.	§	

NOTICE OF REMOVAL

TO THE HONORABLE THOMAS SPIECZNY, JUDGE PRESIDING:

TAKE NOTICE, that the Plaintiff ALBERT FLORES has this day filed his Notice of Removal of this case, in this Court and in the United States Bankruptcy Court for the Western District of Texas, El Paso, Division. The removal is to the Bankruptcy Court.

1.

This Notice of Removal is brought under 28 U.S.C. § 1452(a) and F.R. Bankr. P. 9027 and Local Bankruptcy Rule 9027(b), which substitutes the Bankruptcy Court for the District Court as the federal Court in which the Notice is to be filed.

2.

The facts which entitle ALBERT FLORES ("FLORES") to remove this case are:

- a) FLORES sued the Debtor WESTMOUNT GROUP, INC. in the 327th District Court for El Paso County Texas on July 27th, 2021.
- b) WESTMOUNT GROUP, INC. filed for Chapter 11 protection on August 23, 2021. The bankruptcy case was converted to Chapter 7 on October 26, 2021.
- c) FLORES has claims for fraudulent transfer against WESTMOUNT GROUP, INC. as the fraudulent transferee of another Defendant in this suit.
- d) The claims against the fraudulent transferee WESTMOUNT GROUP, INC. sound under Texas Business and Commerce Code §§ 24.005 and 24.006. There are other claims for fraudulent and avoidable transfers which the Chapter 7 Trustee can assert against WESTMOUNT GROUP, INC. under 11 U.S.C. §§ 542, 544, 547, 548, 549, and 550.

- e) After the automatic stay was imposed by WESTMOUNT GROUP, INC.'s bankruptcy filing, Intervenor WESTSTAR TITLE COMPANY severed the action against WESTMOUNT GROUP, INC. into Docket No. 2021DCV3555. No other action has transpired in Docket No. 2021DCV3555. The pleadings in Docket No. 2020DCV2997 still inform what issues are joined in Docket No. 2021DCV3553.
- f) The removal of both actions (2020DCV2997 and 2021DCV3555) to the Bankruptcy Court will better assure that complete relief can be afforded, as the asserted fraudulent transfer and the asserted fraudulent transferee will both be amenable to suit upon common facts in the same forum, thereby eliminating duplication of resources and time.

3.

A copy of the docket sheet for the removed proceeding is hereto attached. Due to the bulk of the record, Mr. FLORES is separately requesting leave to gather the entire record within 15 days or such other time as the Bankruptcy Court will allow.

Respectively submitted this 22nd day of November, 2021.

/s/ 
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Attorney for ALBERT FLORES

CERTIFICATE OF SERVICE

I do hereby certify that on this 22nd day of November, 2021, I did cause a copy of the foregoing Notice of Removal to Westmount Group, Inc., c/o Keyvan Parsa, 810 N. Kansas Street, El Paso, TX 79902-5207; to Keyvan Parsa, 7604 Plaza Redonda, El Paso, TX 79912; to Stephen W. Sather, 7320 N MoPac Expy, Ste. 400, Austin, TX 78731; to Montoya Park Place, Inc., Troy C. Brown, 1074 Country Club Rd., Ste. B4, El Paso, TX 79932; to Weststar Title, LLC, c/o James W. Brewer, 221 N. Kansas, Ste. 1700, El Paso, TX 79901-1401; to Fidelity National Title Insurance Company, c/o Shakira Kelley, 6900 Dallas Parkway, Suite 610, Plano, Texas 75024; and to Deborah Jordan, c/o Richard A. Roman, Esq., 1018 Brown Street, El Paso, Texas 79902.

/s/ 
E.P. BUD KIRK

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Location : All Courts [Help](#)

REGISTER OF ACTIONS

CASE No. 2020DCV2997

Albert Flores VS Keyvan Parsa, MD and Montoya Park Place, Inc.

§
§
§
§
§
§

Case Type: Other Contract
Date Filed: 09/16/2020
Location: 327th District Court

RELATED CASE INFORMATION

Related Cases
2021DCV3555 (Related Case)

PARTY INFORMATION

Counter Defendant	Fidelity National Title Insurance Company	Lead Attorneys Michael J. Willey Retained 972-812-6478(W)
Counter Plaintiff	Flores, Albert	E.P. BUD KIRK Retained 915-584-3773(W)
Defendant	Flores, Albert	E.P. BUD KIRK Retained 915-584-3773(W)
Defendant	Jordan, Deborah	RICHARD ROMAN Retained 915-351-2679(W)
Defendant	Montoya Park Place, Inc.	MANNIE KALMAN Retained 915-542-1916(W)
Defendant	Parsa, Keyvan, MD	
Intervenor	Fidelity National Title Insurance Company	Michael J. Willey Retained 972-812-6478(W)
Intervenor	WestStar Title, LLC	JAMES W BREWER Retained 915-546-5236(W)
Plaintiff	Flores, Albert	E.P. BUD KIRK Retained 915-584-3773(W)

EVENTS & ORDERS OF THE COURT

09/16/2021	DISPOSITIONS Order Granted (Judicial Officer: Spieczny, Tom) Comment (ORDER GRANTING WESTSTAR TITLE, LLC MOTION TO SEVER / SIGNED 09.16.21 / KMM)
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09/16/2020	OTHER EVENTS AND HEARINGS Original Petition (OCA) Index # 1
09/16/2020	E-File Event Original Filing
09/18/2020	Request Index # 2
09/22/2020	Affidavit Index # 3

09/24/2020	Citation Parsa, Keyvan, MD	Served Response Received Returned	10/01/2020 10/01/2020 10/06/2020
09/25/2020	Motion for Appointment of Attorney Ad Litem	Index # 4	
10/01/2020	Answer	Index # 6	
10/05/2020	Motion to Dismiss	Index # 7	
10/15/2020	Amended Petition	Index # 8	
10/16/2020	Response	Index # 9	
11/23/2020	Amended Petition	Index # 10	
11/25/2020	Motion for Temporary Restraining Order	Index # 11	
12/01/2020	Notice of Hearing	Index # 12	
12/02/2020	Motion for Continuance	Index # 13	
12/02/2020	Motion to Withdraw	Index # 14	
12/03/2020	Temporary Restraining Order Hearing (3:30 PM) (Judicial Officer Chew, Linda)		
12/03/2020	Order Setting Hearing	Index # 15	
12/11/2020	Motion for Temporary Restraining Order	Index # 16	
12/14/2020	Temporary Restraining Order Hearing (10:30 AM) (Judicial Officer Chew, Linda)		
12/15/2020	Motion for Substitute Counsel	Index # 17	
12/21/2020	Entry of Appearance	Index # 18	
12/22/2020	Amended	Index # 19	
01/04/2021	Order for Substitute Service	Index # 20	
01/04/2021	Temporary Restraining Order	Index # 21	
01/06/2021	Notice of Hearing	Index # 22	
01/06/2021	Petition in Intervention	Index # 28	
01/11/2021	Order of Assignment		
01/14/2021	Answer	Index # 23	
01/14/2021	Response	Index # 24	
01/15/2021	Temporary Restraining Order Hearing (10:00 AM) (Judicial Officer Chew, Linda)		
01/22/2021	Petition in Intervention	Index # 25	
01/27/2021	Order for Temporary Injunction	Index # 27	
01/29/2021	Request	Index # 26	
02/01/2021	Citation Jordan, Deborah	Served Response Received Returned	02/03/2021 04/05/2021 02/04/2021
02/03/2021	Answer	Index # 29	
02/04/2021	Answer	Index # 31	
02/08/2021	Counter Petition	Index # 32	
02/16/2021	Answer	Index # 33	
02/22/2021	Letter	Index # 34	
03/18/2021	Notice of Hearing	Index # 35	
04/05/2021	Entry of Appearance	Index # 36	
04/05/2021	General Denial	Index # 37	
04/12/2021	Motion for Continuance	Index # 38	
04/12/2021	Objection	Index # 39	
04/15/2021	Order Setting Hearing	Index # 40	
04/16/2021	Status Hearing (2:00 PM) (Judicial Officer Chew, Linda)		
	04/15/2021 Reset by Court to 04/16/2021		
04/20/2021	Motion to Quash	Index # 41	
04/21/2021	Motion to Compel	Index # 42	
04/22/2021	CANCELED Status Conference (1:30 PM) (Judicial Officer Chew, Linda)		
	Court Coordinator Discretionary Cancellation		
04/26/2021	Order to Compel	Index # 44	
04/26/2021	Response	Index # 43	
04/28/2021	Motion to Reconsider	Index # 45	
05/05/2021	Notice of Hearing	Index # 47	
05/10/2021	Notice of Hearing	Index # 46	
05/18/2021	Status Hearing (11:00 AM) (Judicial Officer Chew, Linda)		
05/18/2021	Motion to Reconsider Hearing (11:00 AM) (Judicial Officer Chew, Linda)		
05/18/2021	Order Setting Non-Jury Trial	Index # 48	
05/27/2021	Entry of Appearance	Index # 49	
05/27/2021	Motion to Withdraw	Index # 50	
05/28/2021	Motion to Reconsider	Index # 51	
06/03/2021	Response	Index # 52	
06/04/2021	Notice of Appearance	Index # 53	
06/07/2021	Motion for Contempt	Index # 54	
06/15/2021	Objection	Index # 55	
06/22/2021	Order Permitting Withdrawal of Counsel	Index # 56	
06/23/2021	Notice of Hearing	Index # 57	
06/23/2021	Notice of Hearing	Index # 58	
06/23/2021	Order Granting	Index # 59	
06/24/2021	Amended Notice	Index # 60	
06/28/2021	Certificate of Written Discovery	Index # 61	
07/05/2021	Response	Index # 62	
07/08/2021	Motion Hearing (2:00 PM) (Judicial Officer Chew, Linda)		
07/08/2021	Reply	Index # 63	
07/08/2021	Reply	Index # 64	
07/13/2021	Order Setting Hearing	Index # 65	

07/14/2021 **Judge's Conference (3:30 PM)** (Judicial Officer Chew, Linda)
 07/14/2021 **Notice of Filing** Index # 66
 07/15/2021 **Order Setting Hearing** Index # 67
 07/16/2021 **Intervention** Index # 68
 07/16/2021 **Motion to Vacate** Index # 69
 07/27/2021 **Amended Petition** Index # 70
 07/28/2021 **Response** Index # 71
 08/06/2021 **Amended Petition** Index # 72
 08/06/2021 **Jury Demand** Index # 73
 08/10/2021 **Motion to Compel** Index # 74
 08/12/2021 **Amended Notice** Index # 75
 08/19/2021 **Amended Petition** Index # 76
 08/20/2021 **Response** Index # 77
 08/23/2021 **Suggestion of Bankruptcy (OCA)** Index # 78
 08/24/2021 **Pre-Trial Hearing (10:00 AM)** (Judicial Officer Chew, Linda)
 09/21/2021 *Reset by Court to 08/24/2021*
 08/24/2021 **Order Setting Hearing** Index # 79
 09/01/2021 **Motion Hearing (4:00 PM)** (Judicial Officer Chew, Linda)
 09/01/2021 **Order Setting Hearing** Index # 80
 09/09/2021 **Motion for Severance** Index # 81
 09/10/2021 **Motion for Protective Order** Index # 82
 09/10/2021 **Notice of Hearing** Index # 83
 09/10/2021 **Certificate of Written Discovery** Index # 84
 09/13/2021 **Response** Index # 85
 09/13/2021 **Motion for Severance** Index # 86
 09/14/2021 **Statement** Index # 87
 09/15/2021 **Motion Hearing (10:30 AM)** (Judicial Officer Chew, Linda)
 09/16/2021 **Notice Lifting Stay** Index # 90
 09/17/2021 **Motion for Contempt** Index # 89
 09/20/2021 **Notice of Judgment Sent**
 09/20/2021 **Notice of Judgment Sent**
 09/20/2021 **Notice of Judgment Sent**
 09/20/2021 **Notice of Judgment Sent**
 09/20/2021 **Notice of Judgment Sent**
 09/20/2021 **Order Setting Hearing** Index # 91
 09/20/2021 **Notice of Hearing** Index # 92
 09/20/2021 **Objection** Index # 93
 09/20/2021 **Notice of Hearing** Index # 94
 09/22/2021 **Notice** Index # 95
 09/22/2021 **Motion for Continuance** Index # 96
 09/22/2021 **Motion to Withdraw** Index # 97
 09/23/2021 **Contempt Hearing (1:30 PM)** (Judicial Officer Chew, Linda)
 Result: Appeared
 09/23/2021 **Order Setting Hearing** Index # 98
 09/24/2021 **Entry of Appearance** Index # 99
 09/24/2021 **Returned Mail** Index # 103
 09/27/2021 **Response** Index # 100
 09/27/2021 **Response** Index # 101
 09/28/2021 **Contempt Hearing (3:30 PM)** (Judicial Officer Chew, Linda)
 09/28/2021 **Order Permitting Withdrawal of Counsel** Index # 102
 10/13/2021 **Returned Mail** Index # 106
 10/14/2021 **Order for Contempt** Index # 104
 10/15/2021 **Motion to Withdraw** Index # 105
 10/19/2021 **CANCELED Bench Trial (10:00 AM)** (Judicial Officer Chew, Linda)
 Court Coordinator Discretionary Cancellation
 10/21/2021 **Motion to Withdraw Attorney (10:30 AM)** (Judicial Officer Chew, Linda)
 10/26/2021 **Order Permitting Withdrawal of Counsel** Index # 107
 10/26/2021 **Order Setting Hearing** Index # 108
 11/01/2021 **Motion Hearing (11:00 AM)** (Judicial Officer Chew, Linda)